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June 12, 1997

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Federal Communications Commission
Office of Secretary

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

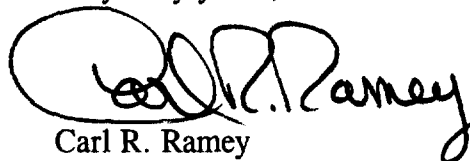
Re: MM Docket No. 87-268

Dear Mr. Caton:

On behalf of Young Broadcasting of Sioux Falls, Inc., licensee of Television Station KELO-TV, Sioux Falls, South Dakota, I am transmitting herewith an original and eleven (11) copies of a "Petition For Partial Reconsideration" in the above-referenced proceeding.

If there are any questions concerning this matter, kindly communicate with the undersigned.

Very truly yours,


Carl R. Ramey

Enclosures

cc: Bruce Franca (Hand Delivery - Room 7002-A)
Alan Stillwell (Hand Delivery - Room 7002-E)
Robert Eckert (Hand Delivery - Room 7130-B)

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JUN 12 1997

Federal Communications Commission
Office of Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact Upon the)
Existing Television Broadcast Service)

To: The Commission

PETITION FOR PARTIAL RECONSIDERATION

Young Broadcasting of Sioux Falls, Inc., licensee of Television Station KELO-TV, Channel 11, Sioux Falls, South Dakota¹, by its counsel, hereby petitions for partial reconsideration of the Sixth Report and Order in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("Sixth R & O"), insofar as the Sixth R & O allocates Channel 32 as the paired digital TV channel for KELO's current Channel 11. As described herein, the digital assignment to KELO in the Sixth R&O is based on wholly inaccurate data regarding KELO's current NTSC facilities which, in turn, has resulted

¹ Young Broadcasting of Sioux Falls, Inc. is a wholly-owned subsidiary of Young Broadcasting Inc., a television station group owner.

in height and power assignments for KELO's DTV facilities that are unrealistic, impractical and unfair. Accordingly, KELO seeks a change in its DTV assignment that correctly reflects and duplicates its actual NTSC facilities. In this single respect, KELO seeks relief by this petition.

**I.
Pertinent Background Facts**

1. Since 1966, KELO has operated from a transmitter site near Rowena, South Dakota, approximately 9 miles east of Sioux Falls. The geographical coordinates for that site are as follows:

N. Latitude 43° 31' 07"

W. Longitude 96° 32' 05"

See FCC File No. BPCT-3821, granted October 2, 1966. Also located at that site is Television Station KSFY-TV, Channel 13, Sioux Falls, South Dakota. See FCC File No. BPCT-3802, granted September 12, 1966. Indeed, Television Stations KELO and KSFY share an antenna on the same tower at the foregoing site. As such, the currently authorized antenna HAAT for both KELO and KSFY is 2000 feet (or 610 meters).

2. On May 31, 1995, Midcontinent Television of South Dakota, Inc., the former licensee of KELO, filed an application with the Commission seeking to modify KELO's auxiliary transmitter site. See FCC File No. BPCT-950531RE. That application was granted on November 13, 1995. Thereafter, on September 3, 1996, Young Broadcasting of Sioux Falls, as the new licensee of KELO, filed an application

to license the modified auxiliary facilities granted in BPCT-950531RE. See FCC File No. BLCT-960903KF. That application remains pending. In the foregoing modification and license applications, the KELO auxiliary site is shown as being located approximately 1 mile southwest of Rowena, South Dakota. The geographic coordinates for KELO's auxiliary site are as follows:

N. Latitude 43° 30' 11"

W. Longitude 96° 34' 38"

Furthermore, the antenna HAAT for the KELO auxiliary antenna is listed in those applications as being 192 meters.

3. In the Sixth Further Notice of Proposed Rulemaking (FCC 96-317) ("Sixth Further Notice"), released herein on August 14, 1996, the Commission proposed assigning DTV Channel 30 to KELO and assigning adjacent DTV Channel 29 to KSFY. Moreover, consistent with their current NTSC facilities, both stations were assigned the same power (1764.3 kw) and the same antenna HAAT (610 meters). See Sixth Further Notice, Appendix B, p. B-35.

4. In the Sixth Report and Order, eight months later, the Commission allocated KSFY DTV Channel 29 and allocated KELO DTV Channel 32. However, because the Commission was mistaken, at that juncture, about KELO's authorized NTSC facilities, it assigned KELO's DTV station the minimal power of only 50.0 kw and an antenna HAAT of only 192 meters. At the same time, not mistaken about KSFY's authorized NTSC facilities, it assigned KSFY's DTV station 736.2 kw of

power at an antenna HAAT of 610 meters. In short, although the two stations share the same NTSC antenna, KSFY's assigned DTV power is more than 14 times KELO's assigned DTV power and KSFY's assigned HAAT is 418 meters greater than KELO's assigned HAAT. See Sixth Report and Order, Appendix B, Table 1, p. B-66.

Significantly, the geographical coordinates for the two DTV channels listed in Table 2 of Appendix B (at p. B-97) give the correct location for KSFY's existing NTSC facilities (N. Lat. 43-31-07; W. Long. 96-32-05), but list KELO's existing NTSC facilities as being N. Lat. 43-30-11 and W. Long. 96-34-38, the coordinates (see ¶ 2 *supra*) for KELO's auxiliary transmitter site, not its main station site.

II. **Specific Relief Requested**

5. It is obvious, we submit, that a major factual error has been made in the calculations leading to KELO's DTV channel allotment that, if uncorrected, will place KELO at a severe disadvantage in serving the public and maintaining its competitive posture in the Sioux Falls, South Dakota market. We, therefore, urge the Commission to correct this mistake and to assign KELO a DTV channel properly reflecting its presently authorized NTSC facilities. Not only should KELO's DTV channel be assigned a height and power identical to that assigned to KSFY (with whom KELO shares a tower and antenna), but such DTV channel should, if at all possible, be one that is adjacent to the DTV channel assigned to KSFY (as was, in fact, proposed by the Commission in the Sixth Further Notice).

6. A fundamental ingredient of the DTV Table adopted in the Sixth Report and Order is that each allotment should be based on current transmitter sites (or existing antenna site coordinates). Sixth R&O, ¶ 102. Moreover, it is clear that all efforts undertaken and all decisions reached to date by the Commission to achieve replication of NTSC service have been premised on the actual and precise transmitter location, power and antenna height of a licensee's existing NTSC operation:

“DTV coverage calculations assume locations and antenna heights identical to those of the replicated companion NTSC station and power generally sufficient to achieve noise-limited coverage equal to the companion station's Grade B coverage.” (Sixth Report and Order, ¶ 199).²

7. When the underlying facts necessary to carry out this plan are patently incorrect, it is obviously impossible to achieve the intended result. That is what has happened here. The Commission has inadvertently proposed a DTV channel and operating power, as well as antenna height, for KELO based on the station's highly limited, back-up only, auxiliary transmitting site and facilities, not KELO's authorized main station transmitting antenna site and facilities.

² See also new Rule 73.622(d) which states that “[t]he reference coordinates of a DTV allotment included in the initial DTV Table of Allotments are the coordinates of the authorized transmitting antenna site of the analog TV station with which that initial allotment is paired ...”

8. Accordingly, KELO respectfully urges the Commission to correct this major error and to amend its DTV Table of Allotments so that KELO's assignment accurately reflects its existing NTSC transmitting antenna site. This would mean, at a minimum, providing KELO with the same height designation as assigned to KSFY (with which, as noted, it shares a tower and antenna) and with the same or nearly identical power as assigned to KSFY. From a practical and public interest perspective, such adjustments are essential. They are likewise extremely important from a competitive standpoint.

9. Lastly, KELO urges the Commission to assign KELO a DTV channel adjacent to the DTV channel assigned to KSFY, as it initially proposed in the Sixth Further Notice. This will allow sufficient flexibility for KELO to combine its DTV signal with KSFY's DTV signal into one antenna; a technical approach currently followed by the stations to provide NTSC service.

III. Conclusion

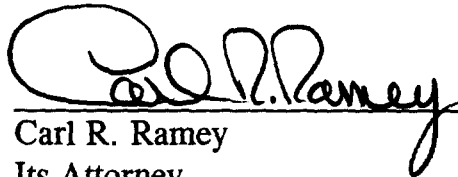
WHEREFORE, the above premises considered, Young Broadcasting of Sioux Falls, Inc. respectfully requests partial reconsideration of the Sixth Report and Order by amending the DTV Table of Allotments so that the DTV channel and facilities

assigned to KELO-TV, Sioux Falls, South Dakota accurately and fully reflect that station's existing NTSC operations.

Respectfully submitted

YOUNG BROADCASTING OF
SIOUX FALLS, INC. (KELO-TV)

By:


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June 12, 1997